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DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

*J. Cunningham
Proct*

FILE: B-138088

DATE: January 13, 1977

MATTER OF: Columbus Services International, Division of Servisco

DIGEST:

Protest against small business set-aside provisions of solicitations is untimely filed under Bid Protest Procedures (4 C.F.R. § 20 (1976)) since protest was not filed prior to closing dates set for receipt of proposals.

On December 28, 1976, a protest was received from Columbus Services International, Division of Servisco, against the proposed award of contracts Nos. GS-03C6138301 and GS-03C6143801, issued by the General Services Administration for janitorial services requirements. Columbus argues that competition for the contracts was improperly limited to small businesses under the small business set-aside procurement procedure.

The procurement solicitations under which the contracts will be awarded provided express notice that competition for the services was being limited to small business concerns. Consequently, Columbus' present protest must be viewed as one which contests alleged defects apparent in the solicitations in question.

GAO's Bid Protest Procedures (4 C.F.R. § 20 (1976)) provide, however (at 4 C.F.R. § 20.2(b)(1)), that protests involving apparent solicitations defects shall be filed prior to the closing date set for receipt of proposals. Since Columbus' protest was filed considerably after the closing dates (September 13 and November 22, 1976) it is clear that the protest is untimely filed.

Columbus' protest will not be further considered.

Paul G. Dembling
Paul G. Dembling
General Counsel